

ASSEMBLY BILL

No. 2662

Introduced by Assembly Member Furutani

February 22, 2008

An act to amend Section 11463 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2662, as introduced, Furutani. Foster care rates.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) Program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Existing law requires the department, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a ratesetting system for foster family agencies, as defined.

This bill would make a technical, nonsubstantive change to the law relating to the foster family agency ratesetting system under the AFDC-FC program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11463 of the Welfare and Institutions
- 2 Code is amended to read:

1 11463. (a) (1) The department, with the advice, assistance,
2 and cooperation of the counties and foster care providers, shall
3 develop, implement, and maintain a ratesetting system for foster
4 family agencies.

5 (2) No county shall be reimbursed for any percentage increases
6 in payments, made on behalf of AFDC-FC funded children who
7 are placed with foster family agencies, that exceed the percentage
8 cost-of-living increase provided in any fiscal year beginning on
9 January 1, 1990, as specified in subdivision (c) of Section 11461.

10 (b) The department shall develop regulations specifying the
11 purposes, types, and services of foster family agencies, including
12 the use of those agencies for the provision of emergency shelter
13 care. A distinction, for ratesetting purposes, shall be drawn between
14 foster family agencies that provide treatment of children in foster
15 families and those that provide nontreatment services.

16 (c) The department shall develop and maintain regulations
17 specifying the procedure for the appeal of department decisions
18 ~~about~~ regarding the setting of an agency's rate.

19 (d) On and after July 1, 1998, the schedule of rates, and the
20 components used in the rate calculations specified in the
21 department's regulations, for foster family agencies shall be
22 increased by 6 percent, rounded to the nearest dollar. The resultant
23 amounts shall constitute the new schedule of rates for foster family
24 agencies.

25 (e) (1) On and after July 1, 1999, the schedule of rates and the
26 components used in the rate calculations specified in the
27 department's regulations for foster family agencies shall be
28 adjusted by an amount equal to the California Necessities Index
29 computed pursuant to Section 11453, rounded to the nearest dollar,
30 subject to the availability of funds. The resultant amounts shall
31 constitute the new schedule of rates for foster family agencies,
32 subject to further adjustment pursuant to paragraph (2).

33 (2) In addition to the adjustment specified in paragraph (1),
34 commencing January 1, 2000, the schedule of rates and the
35 components used in the rate calculations specified in the
36 department's regulations for foster family agencies shall be
37 increased by 2.36 percent, rounded to the nearest dollar. The
38 resultant amounts shall constitute the new schedule of rates for
39 foster family agencies.

1 (f) For the 1999–2000 fiscal year, foster family agency rates
2 that are not determined by the schedule of rates set forth in the
3 department’s regulations, shall be increased by the same percentage
4 as provided in subdivision (e).

5 (g) For the 2000–01 fiscal year and each fiscal year thereafter,
6 without a county share of cost, notwithstanding subdivision (c) of
7 Section 15200, the foster family agency rate shall be supplemented
8 by one hundred dollars (\$100) for clothing per year per child in
9 care, subject to the availability of funds. The supplemental payment
10 shall be used to supplement, and shall not be used to supplant, any
11 clothing allowance paid in addition to the foster family agency
12 rate.

13 (h) In addition to the adjustment made pursuant to subdivision
14 (e), the component for social work activities in the rate calculation
15 specified in the department’s regulations for foster family agencies
16 shall be increased by 10 percent, effective January 1, 2001. This
17 additional funding shall be used by foster family agencies solely
18 to supplement staffing, salaries, wages, and benefit levels of staff
19 performing social work activities. The schedule of rates shall be
20 recomputed using the adjusted amount for social work activities.
21 The resultant amounts shall constitute the new schedule of rates
22 for foster family agencies. The department may require a foster
23 family agency receiving this additional funding to certify that the
24 funding was utilized in accordance with the provisions of this
25 section.

26 (i) The increased rate provided by subparagraph (C) of paragraph
27 (1) of subdivision (d) of Section 11461 shall not be used to compute
28 the monthly amount that may be paid to licensed foster family
29 agencies for the placement of children in certified foster homes.

30 (j) (1) The department shall determine, consistent with the
31 requirements of this section and other relevant requirements under
32 law, the rate category for each foster family agency on a biennial
33 basis. Submission of the biennial rate application shall be according
34 to a schedule determined by the department.

35 (2) The department shall adopt regulations to implement this
36 subdivision. The adoption, amendment, repeal, or readoption of a
37 regulation authorized by this subdivision is deemed to be necessary
38 for the immediate preservation of the public peace, health and
39 safety, or general welfare, for purposes of Sections 11346.1 and
40 11349.6 of the Government Code, and the department is hereby

- 1 exempted from the requirement to describe specific facts showing
- 2 the need for immediate action.

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